

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
September 23, 2019**

Present: Chairman Thomas LaPerch; Boardmembers Dan Armstrong; Jack Gress; Jim King and Michael Hecht; Town Attorney Willis Stephens; Town Planner Ashley Ley; Secretary Victoria Desidero. Absent & Excused: Vice Chairman David Rush; Boardmember Eric Cyprus

PUBLIC HEARINGS:

1. **NEW YORK AMERICAN WATER WELLS WETLAND PERMIT, 36 Mt. Ebo Road** – This was a Continued Public Hearing to review an application for a Wetland Permit to drill test wells. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Mike Shortell of WSP USA, Inc., appeared before the Board. Mr. Shortell said the purpose of our being here is to seek a Wetland Permit to drill a proposed reduction well. The purpose of the well is in support of the Barrett Hill Development. Chairman LaPerch said I know you've been going back and forth with our consultants on this and I think they're pretty satisfied with all the information you have supplied to date so I have no further questions. Chairman LaPerch polled the Board and there were no questions. Ms. Ley said there is a Negative Declaration that has been prepared for the Board to discuss as well as a Wetland Permit Approval which contains some conditions. Chairman LaPerch open the Public Hearing up to the public. Town Councilwoman Lynne Eckardt said how many gallons do you need to supply Barrett Hill? Mr. Shortell said 30 to 50 gallons per minute. Ms. Eckardt said what is the gallons being produced by the wells now? Mr. Shortell said we have a test yield of approximately 114 gallons permit. We have one well left for redevelopment, he said, and at this point with the 114 gallons per minute we are satisfying the New York State DEC (Department of Environmental Conservation) requirements. Ms. Eckardt said that's for everything except Barrett Hill? Mr. Shortell said correct. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Grant Final Wetland Permit Approval was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent.
2. **MAFFEI WETLAND PERMIT, 57 Milltown Road** – This was a Continued Public Hearing to review an application for a Wetland Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Engineer John Karell appeared before the Board and said since we were here last time, we have received the DEC's Wetland Permit, we received the Health Department Permits for the septic and well, and we have satisfied Mr. Coleman's (Wetland Inspector) Wetland Mitigation Report that you requested. Chairman LaPerch said I saw all the documents and Jacobson's comments about how it's going to be built. Chairman LaPerch polled the Board for questions and there were none. Ms. Ley said you have a Draft Negative Declaration before you this evening as well as a Wetland Permit Approval and one of the conditions of approval for the Wetland Permit, if it's adopted tonight, is that you address all of Jacobson's comments prior to a Building Permit or a Driveway Permit being issued, because they weren't really wetland comments, they were structural comments about the bridge. Mr. Karell said agreed. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Grant Final Wetland Permit Approval was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent. Chairman LaPerch said now he has a Wetland Permit, is there anything else he needs to do before a Building Permit Ashley (Ley)? Ms. Ley said your property is located on a historic route so you need a Certificate of Appropriateness

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from the Historic Sites Commission prior to construction. It's in the Resolution, she said, and you would be referred by the Building Inspector once you are ready to file with your house plans. She said you also need to address all of the engineering comments in the Jacobson letter and you need an MS4 Permit. Mr. Karell said understood.

3. **CRECCO WETLAND PERMIT, 62 Stallion Trail** – This was a Continued Public Hearing to review an application for a Wetland Permit to drill test wells. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Paul Lynch of Putnam Engineering appeared before the Board and said we had some conversations with Mr. Coleman on Friday and we worked our issues out and added some additional buffers around the perimeter of the property. Chairman LaPerch said the reason for that is that this side was so totally constrained because of the wetland issues that there was no more maneuverability to make this work so Mr. Coleman suggested almost doubling your mitigation program, correct? Ms. Ley said I believe so, yes. Mr. Lynch said we've done as much as we can and still have a developed area; we have a front yard and a small backyard. He said I sent him the revised drawings as well today and to the Board. He said I just wanted to give him a set of what we talked about so that he was able to see it in case you had contact with him. Chairman LaPerch polled the Board for questions and there were none. Ms. Ley said the changes that were made in response to Mr. Coleman: are those on the plan you have right now? Chairman LaPerch said you want to just point them out to the public please? Mr. Lynch showed the plan and said the shaded area will be the native grasses that will be planted and will be continued all the way around the perimeter of the pool, basically from the south side of the property to the north side and we have added a couple more shrubs along the boundary that's going to separate us from the additional drainage. Ms. Ley said he had also recommended using some pervious pavers around the pool? Mr. Lynch said yes, we didn't put them around the pool but we did take out some of the patio area and put pervious pavers. Chairman LaPerch opened the Public Hearing up to the public. Ms. Eckardt said did you say that you planted alongside the fence; is that going to be a delineation or no? Mr. Lynch said the fence is the delineation but since we had to do the excavation to install the fence, we are restoring the area with native grasses because it makes sense. Ms. Eckardt said I would just make sure that whatever is planted... because some grasses... if they are native, they should be OK but some are not long-lived although some are but I would just keep that in mind when you go before the Architectural Review Board. Mr. Lynch said we also still have to go to the DEC. Ms. Ley said it's a single-family house so it doesn't go to the Architectural Review Board, but the revised plans will be reviewed by Mr. Coleman and they are not up for approval this evening. Town Councilman John Lord said will this be built by the owner of the property? Mr. Lynch said it's a contractor sale. Chairman LaPerch said so it's a spec home. Mr. Lord said and this is the last so-called lot in the area? Mr. Lynch said I believe there's one more which will be next to us on the north side. Mr. Lord said are they equally constrained? Mr. Lynch said I'm trying to recollect the wetland. He said this is constrained but I don't think it's as much as this lot. Mr. Lord said is the other lot similar in size? Mr. Lynch said I think so but my client doesn't own that lot so offhand I don't know, but it looks similar. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch said next steps for the applicant? Ms. Ley said the next steps are to formally file the revised plans and then review that on the next available agenda for consideration of a Determination of Significance and a Wetland Permit.

REGULAR SESSION:

1. **ALLVIEW AVENUE aka MAZZOTTA SUBDIVISION, 212 Allview Avenue** – This was a review of an Application for a Subdivision. Peder Scott of PW Scott Engineering appeared before

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the Board and said the lot was approved in 1991 and it was five lots with a private road. He said the owner, after consideration of the way the lot prices are now and the cost of construction, decided to reduce it from five lots to three lots. In 1991 they had different side yard setbacks for outbuildings, he said, and accordingly as outlined in an AKRF memo we will have to go back and amend some variances for outbuildings. He said we need a variance for a garage. Ms. Ley said just to clarify, the variances would only be required where you're creating a new condition so the rear yard of the garage isn't so much an issue as that you are moving the other lot line up closer to the pool house. Mr. Scott said what happened is we're not allowed to have a pool in the front yard of a building and this becomes a front yard for this building here so we put the pool in the rear yard and the building in the front so it's less of a variance than having a pool in the front yard. He said as a matter of fact, this cabana isn't used as a cabana anymore, it's storage so with the Health Department we dug new PERCs and DEEPs for a new cabana because of new regulations require a separate septic system for a cabana. He said with new structures and running a line, unfortunately we had a lot of buildings on this site and we're threading the needle with the property line which serves as the rear of one and the front of three. The only way we could mitigate this, he said, is to remove the cabana so we will go for a variance on that. Chairman LaPerch said how many variances? Mr. Scott said just the pool and the cabana. Chairman LaPerch said and it's a 280-a. Mr. Scott said yes, correct. He said we had the Wetland Consultant look at the wetland for the mapping and we'll get a report to you but they didn't find any wetlands but it has to be reviewed by Mr. Coleman. Mr. Scott said we did go to the Health Department and completed all the necessary testing for the septic and we did file a subdivision amendment and are waiting for a SEQRA Determination. He said we moved the septic slightly back on the site and moved the house slightly back and you'll be getting revised plans. He said we did that because we found a very good soil strata which could handle lot 2. Chairman LaPerch said are there Rec Fees with this? Ms. Ley said no because you are losing lots and the Rec Fees were already paid on the five new lots. Secretary Desidero said they filed that Plat? Ms. Ley said the five-lot Plat was filed. Mr. Scott said the only other item we had was about the disturbance of over half an acre but what it is is basically all the work we had proposed is for reserves to prove that if the septic fails, we have expansion. Chairman LaPerch polled the Board. Boardmember Armstrong said are there any variances required? Mr. Scott said yes, there would be two: one for the pool and one for the building, which is now a chicken coop but was a cabana and yes, we will be filing for those. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 5 to 0 with 2 absent.

2. **577 NORTH MAIN STREET, 577 North Main Street** – This was a Continued Review of an Application for Site Plan Amendment, Special Permit, Conditional Use Permit and Wetland Permit. Owner Bart Lansky, Esq. appeared before the Board and said I also got three memos: the first memo was from (Wetland Inspector) Mr. Coleman and he didn't have any objection to the Wetland Permit; the second memo was from Jacobson and the first comment was about asphalt base layer and there is a detail there to just show the demarcation for the outside storage but there is no base layer or new set of paving proposed. He said there are asphalt millings which are pervious throughout the site and that is not intended to be new asphalt throughout that area. Chairman LaPerch said it will stay as is? Mr. Lansky said it will stay as is and a demarcation with a dropped concrete curb. Ms. Ley said if you could update the plans... Mr. Lansky said yes and we will put in the abutting neighbors and update the plans. He said the third memo I got was from AKRF. Chairman LaPerch said it had to do with the Zoning updated table. Mr. Lansky said I didn't have a proposed table because all the setbacks I thought were existing. Ms. Ley said except that you are creating a new outside storage area so you do need a proposal... Mr. Lansky said OK, I'm happy to do that. He said the lighting fixtures, comment four, were also existing. Ms. Ley said but you put in new lighting fixtures on the outside of your building. Mr. Lansky said I did and they were

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approved by the ARB. Ms. Ley said so those should be shown on the plans. Chairman LaPerch said what about number five? Ms. Ley said no setback is required from the rear but he does need it on the side because MetroNorth is on the rear. Mr. Lansky said I wasn't aware I needed a Zoning Variance for that so this is the first I am understanding that. Mr. Lansky said comment six, I did submit to the Building Department the outside storage is intended to be used for trailers. Ms. Ley said the Planning Board package needs to include the information on the outside storage area because that needs to be memorialized in the Planning Board's Resolution. Mr. Lansky said types of materials to be stored? Ms. Ley said right, and clarification that it is an accessory use because it's a requirement under the Code that all outside storage is accessory to a principle use and that principle use would need to be one of the tenants of the building. Mr. Lansky said yes, I'm waiting for approval from this Board before I allow him into the building. Ms. Ley said you can explain in your letter which space they're going to be occupying within your building as part of this proposed use. Mr. Lansky said the recommended actions also mention going back to the ARB: what would I be going back to them for? Ms. Ley said they didn't finish their review of your Site Plan; they didn't finish reviewing your landscaping plan. She said they approved your building changes but they didn't approve your site changes last time you were there. Mr. Lansky said I thought they referred the landscaping back to Planning. Ms. Ley said no, they said that you needed to make sure that the landscaping was OK with Mr. Coleman before they would make their recommendation. Chairman LaPerch said why don't we walk through again what is needed. Ms. Ley said the action items tonight are to classify this amended project as a Type II Action under SEQR and a Town of Southeast Minor Project. She said the Board is going to consider setting or waiving the Public Hearing for the Planning Board and you would be referred to the Architectural Review Board and the Zoning Board of Appeals. She said you have already started with the Architectural Review Board; you probably just have one more meeting with them to finish things up and go over the reviewed Landscaping Plan. She said you need to go to the Zoning Board of Appeals to go over the variances. Ms. Ley said they will require a Public Hearing on the variances and once you've obtained that and the ARB's approval as well as if you are still pursuing the Special Permit for the motor vehicle storage use, you will need to finish that up with the Town Board. She said the Town Board will also have its own Public Hearing on that item. Once you have all of those approvals, she said, you will be back to the Planning Board for final Site Plan Approval. Mr. Lansky said we did have a Public Hearing here before and I don't think our use has change that much so we're not coming back here for another Public Hearing. Ms. Ley said the Board is going to discuss that tonight and it's my recommendation that since you have Public Hearings with the ZBA and the Town Board that you don't need another Planning Board Public Hearing but that's for the Board to decide. Chairman LaPerch said you have two Public Hearings ahead of you: Zoning Board and Town Board if we waive the Planning Board one. Chairman LaPerch polled the Board. Boardmember Hecht said was the outside storage part of the last Public Hearing? Ms. Ley said part of it was, it got bigger. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Affirm this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Refer the Application to the ZBA for a variance for the side yard setback was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor.

3. **NYSMSA d/b/a VERIZON, 171 Joe's Hill Road** – This was a review of a Request for Exemption from Site Plan and Conditional Use Permit Review for an existing cell tower. Attorney Michael Sheridan of Snyder & Snyder appeared before the Board and said we are here regarding an upgrade that will be happening at 171 Joe's Hill Road. He said we are requesting an Exemption in connection with Code Section 138-54.1b3. He said it is also an eligible facilities request under the TRA because it's compliant and it's not a substantial change to the facility. He said we are in

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receipt of two memos: one from Jacobson and one from AKRF and both have no objection to the Board approving the exemption. Chairman LaPerch said that's correct. He said bottom line: are we going to get better service? Mr. Sheridan said we're always trying to improve service. Chairman LaPerch polled the Board for questions and there were none. The motion to Grant Exemption from Site Plan and Conditional Use Permit Review was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent.

4. **LAKEVIEW PLAZA, 1505-1515 Route 22** – This was a Review of an Application for Site Plan Amendment. Lucille Munz of JMC Engineering appeared before the Board with Monica Roth of Urstadt Biddle. Chairman LaPerch said so far so good: you've paved, you have the blocks up. Ms. Munz explained the plans to the Board. She said the first time we met informally in the field regarding what was previously approved and trying to accommodate that direction. She said we met with the ARB and we're back here tonight to formalize and move forward hopefully. She said there are three areas being focused on: the southern entrance, the northern entrance, and the area in front of the ACME market. Ms. Munz said in the original Site Plan Approval the islands in the front entrance were not dressed at all and I think we can all safely agree that those areas do need a lot of enhancement so working with our client we came to the conclusion that yes it would be better for the Town and better for the shopping center. She said the focus would be to work on the ACME area and the entrances. She said we also wanted to get more native plant material in. Ms. Munz said there is no irrigation on this site and we're not putting it in so that presents its own set of challenges. She said the northern and southern entrances are also known as hell strips and it's challenging to put plant material in there. Ms. Munz said in the islands at ACME there are ornamental grasses that aren't doing very well and some should really not be there. She said the idea with the islands is the put in lower flowering trees. Ms. Munz discussed the southern entrance. She said our goal is to remove all the meatballs out there essentially and create a backdrop of shrubs with some perennials in front so there is a formal bed line. She said there are two islands that are native but they are not invasive; one is Manhattan Euonymus, which is an evergreen shrub with a very glossy leaf. I was trying to focus on drought-tolerant material, she said, and that's how I came up with that. She said we're using weed grass, sedums, black-eyed susans to get some pop of color and some hydrangea in there as well so that seasonally we'll have some interest. Ms. Munz said the tractor trailers have mangled the islands at the corners so the idea is to pull the island back, have it painted, and then put plantings on either end with an area of artificial turf in the center. She said that will look neat and it's pervious so any water that gets in there will hopefully migrate into the plant material. She said along the perimeter around the retention basin where the guardrail is, we'll use Winterberry, Juniper which gets about 8 to 10 ft. tall and maybe Pussy Willow to give a natural affect to the retention basin but keeping everything in clusters and repeating the material throughout. Ms. Munz said the southern entrance will be a mirror of the same plant material. She said we don't have control of the property on the corner which is why there are no plantings. She said it will give a lot of pizzazz and be easier to maintain. Ms. Munz said in the ACME area the idea was to not have any pavement on the ends but instead lawn on the ends with perennials focused in the center to keep everything low for sight distance. Ms. Munz said the other component is the oak trees which have been trimmed and will get fuller and healthier, but the thought was to use some Shadblows there now that are a small native tree that flowers in the spring. She said they have a beautiful fall color and the idea is to do groupings in between the oaks. Chairman LaPerch said do you control the landscaping by Key Bank because it looks like it's overgrown. Ms. Roth said we have no control over that. Chairman LaPerch said it's your tenant, yes? Ms. Roth said it is and we can approach them again. Chairman LaPerch said if you are going to put this kind of effort in there, I think everyone has to be on the same page. He said it's something I'd like you to revisit because it catches your eye because you're pulling in and looking at that right away. Ms. Munz said that would be a maintenance issue. Ms. Roth said Key Bank? We have control over Key Bank, she said.

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Ms. Munz said that's the thought that these shrubs should either be pulled out or pruned back. Chairman LaPerch said what are you doing with the center basin along Route 22? Ms. Munz said no, just maintenance at this point. Chairman LaPerch said M&T Bank: there's no control over that landscaping look? Ms. Roth said no, we don't have that control. Chairman LaPerch polled the Board. Boardmember King said will there be spring plantings or seasonal plantings? Ms. Munz said not at this time. She said we talked about maybe leaving some pockets but it's not something that our client does at other shopping centers. Chairman LaPerch said they do it at Carmel. Ms. Roth said it's the flower shop that does it. Boardmember Gress said you're doing a good job and I have no questions. Boardmember Armstrong said is the location of what's there now in the way of plants, is that going to be pretty much the same maybe with different varieties and is there going to be any contouring down? Ms. Munz said it's going to remain as is except in the islands when the curbing goes in, we'll amend the soil with compost so it may be a little higher but other than that no real contouring is happening. She said the plant materials will go in pretty much as specified unless we can't get certain plant material. Boardmember Armstrong said is this going to require grooming and mowing? Ms. Munz said the perennials will need to be cut down and the grasses will get cut down basically each year. It will need weeding, she said, mulch, water, but it won't be expensive. She said it will be simple and contained. Ms. Eckardt said I'm having some problems with the turf but I will look at the plans. Ms. Munz said I know it's very unusual and I haven't tried it but I would like to try it here because they make some amazing turf and you wouldn't know it was artificial turf. She said we are using a permeable one so the water gets down and into the plants. Ms. Eckardt said maybe if you bring samples in. Ms. Munz I can do that. Ms. Ley said you need to bring them to the ARB. Chairman LaPerch said if this thing moves along do you still have time to do the planting this year? Ms. Munz said I'm going to be really honest and say no to that because I can't imagine going to the ARB and then back here. She said my concern is we're in a drought right now and some of this material may not be easy to source right now either. Chairman LaPerch said Ms. Roth give us an update on tenants. Ms. Roth said we have inquiries in a good way; we're pricing out for multiple tenants right now. Chairman LaPerch said bottom line is I doubt you'll get any planting done and the ARB will chime in with their thoughts but I personally think you've done a great job so far. Ms. Munz said with regard to Ms. Ley's memo and replacing the Belgium block and putting it on a plan, a lot of that is through the Building Inspector and it's "in kind" replacement so I'm hoping we don't have to put that on the plan. She said we're not changing the curb, just the curb material... just repair and replacement. Ms. Ley said I thought there were some areas where it was going from grass to all curb; is that no longer proposed anywhere? Ms. Munz said no, it's just straight up curb replacement. Chairman LaPerch said can you explain why we can't have it on the plan? Ms. Munz said we can put it on the plan, it's just another thing for us to put on the plan. Ms. Munz said they're not sure what areas they are going to do in what timeframe. She said I just feel like it's "in kind" replacement and repair. Chairman LaPerch said I think it's an upgrade personally. Ms. Ley said it's definitely an upgrade. Ms. Desidero said eventually they will need as-builts. Chairman LaPerch said you want to wait until then? Ms. Munz said I think that's good. She said we know we have to go to the DOT and that will be somewhat of a hold up. Ms. Ley said just get started on it now so you are definitely ready for the spring. Ms. Munz said an updated lighting plan should be provided and I just want to give you an overview of where we are with the lighting. She said there are some challenges to the lighting. In the original Final Site Plan Approval, it stated that "light fixtures shall be retrofit as able with time prompts. Only security lighting shall be in place after business hours." Ms. Ley said I think at one of our Staff Meetings it was discussed that they weren't able to retrofit the light fixtures with time prompts. Ms. Roth said the current time prompts just have them going off for day and night but we can't dim them. Ms. Ley said at one point it was discussed to replace some of the light fixtures so that's what we would really need to see on the plans. Ms. Munz said we're working with a lighting designer to help us figure that out because it's not simple. She said part of the lighting is people using them later like the daycare.

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She said maybe we get two stages of lights on those poles where the top lights go off at a certain time and the bottom lights stay on for security. Ms. Ley said just keep in mind that the Code does have maximum foot candle levels and maximum height for mounting so when you retrofit it you should bring it into compliance with the current Code. Ms. Munz said what are the next steps? Ms. Ley said first let's do the motions. The motion to Classify this a Type II Action under SEQRA and a Minor Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. The motion to Refer to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Ms. Desidero said this is going to be referred to County Planning so I need another disk. Ms. Ley said how quickly do you think you will have the light plan because the ARB would want to look at that again. Ms. Munz said I would have to think about that. Ms. Desidero said the ARB meets on the 4th Wednesday of each month and their deadline is two weeks prior. Ms. Ley said the ARB will really want to see the style of the fixture and the Planning Board is really looking at your lighting levels to make sure that they're Code-compliant.

The motion to approve the Meeting Minutes of August 26, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

October 4, 2019/CC/VAD